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In re Application of
Nishibori, et al.
Application No. 09/689,831
Filed: October 13, 2000
Attorney Docket No. 3170/2
For: RESIN CULTIVATING BASE, WATER
PURIFYING DEVICE AND METHOD USING RESIN
CULTIVATING BASE

ON PETITION

This is a decision on the petition 37 CFR 1.181, requesting withdrawal of the holding of abandonment of the above-identified application. The petition was filed on September 15, 2005.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

This application was held abandoned for failure to timely submit formal drawings within three months of the mailing of the March 18, 2002 Notice of Allowability. Applicants submitted a completed Part B-Fee(s) Transmittal, the issue fee, and 4 sheets of corrected formal drawings on June 18, 2002. These documents are present in the application file. A Notice of Abandonment was mailed on July 23, 2002.

Petitioners argue that a corrected formal drawings were timely filed. However, the March 18, 2002 Notice of Allowability required corrected drawings including (1) changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) and (2) changes required by the proposed drawing correction filed on February 11, 2002, which was approved by the Examiner.

Petitioners timely responded to the second above-listed requirement. Petitioners appear **not** to have responded to the Draftsman's request for correction of the left margins of Figures 1-3 and 11-14, as set forth in the PTO-948.

Although the PTO attempts to notify parties as to defective papers in order to permit timely refiling, it has no obligation to do so. See In re Colombo Inc., 33 USPQ2d 1530, 1532. (Comm'r Pat. 1994). Rather, it is the applicants who are ultimately responsible for filing proper documents. Id. That

The petition under 37 CFR 1.181 is dismissed.

Petitioners are urged to file a petition to revive under 37 CFR 1.137(b), the unintentional standard.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



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